

VI. The Commission Must Expeditiously Allocate the New MSS Frequencies

Celsat respectfully requests that the Commission dedicate the resources required to finalize this allocation proceeding expeditiously. Most of the subject MSS spectrum was allocated at the WARC-92.²⁸ In June 1994, the Commission assured interested parties that a proceeding to allocate the new MSS Frequencies would be initiated "in the near future."²⁹ The Commission already has provided a specific type of MSS provider, Big LEOs, with a significant head start -- at least at the licensing stage. Nevertheless, Celsat submits that Big LEOs will take longer to launch and construct than GSO MSS services. If the Commission adopts final allocation and service rules and awards licenses for GSO MSS within a year of adopting this NPRM, then, Celsat submits that GSO MSS and Big LEOs will begin operations at approximately the same time, thereby minimizing any competitive harm that may occur by Big LEOs early market entry. Further, by providing GSO MSS and Big LEOs a fair opportunity at the starting gate, prospective GSO MSS operators will be less likely to be disadvantaged in trying to secure the necessary

²⁸ See NPRM at paras. 1-2. Fifty-five of the proposed seventy megahertz of spectrum were originally allocated for Region 2 and worldwide MSS use at the WARC-92.

²⁹ See Amendment of the Commission's Rules to Establish New Personal Communications Services, Memorandum Opinion and Order, GEN Docket No. 90-314, 9 FCC Rcd 4957, 4996 (1994).

capital to construct and operate the system in competition with the Big LEOs.

Moreover, Celsat submits that timely adoption of final rules will advance the goal of universal service and thereby serve the public interest because it will help ensure the rapid delivery of advanced wireless telecommunications to rural areas.³⁰ Therefore, Celsat urges the Commission to accelerate the adoption of final rules in this proceeding.

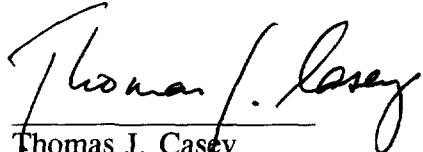
³⁰ MSS providers are likely to deliver advanced wireless telecommunications to rural areas as much as ten years sooner than PCS licensees. See 47 C.F.R. § 24.203(a) (requiring 30 MHz PCS licensees to serve two-thirds of their service area by the end of their initial ten-year license term) and (b) (requiring 10 MHz PCS licensees to serve one quarter of the population of their service area within the first five years of their initial license term). Most industry observers expect PCS licensees to concentrate their early build-out in urban areas first, before reaching the rural sections of their service areas.

CONCLUSION

For the aforementioned reasons, Celsat respectfully requests that the Commission expeditiously allocate 70 megahertz of new 2 GHz spectrum for MSS, adopt a pragmatic competition policy, require BAS incumbents to use more spectrally efficient equipment, and require MSS providers to use CDMA access technology to ensure sharing of the band by the MSS applicants/providers, thereby avoiding mutual exclusivity.

Respectfully submitted by:

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APPENDIX

DECLARATION OF DAVID OTTEN

I, David Otten, am President and CEO of Celsat America, Inc. In addition to corporate management responsibilities, my responsibilities include the oversight of the technical design, application, development, implementation and operation of Celsat America's planned hybrid MSS/PCS service. I have served in my present position at Celsat America in this capacity since November 1994 and prior to that I was involved in the engineering of major satellite and ground based communications, navigation, and electro-optical programs for over 35 years. I received a Bachelor's Degree in Electrical Engineering from the Fournier Institute of Technology in 1955. I also received a Master's Degree in Electrical Engineering from the University of Illinois in 1956.

I have reviewed the Comments of Celsat America, Inc. in its entirety. The engineering matters discussed therein are true and correct to the best of my knowledge and belief.

CERTIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "David J. Otten", written over a horizontal line.

David Otten
President and CEO
Celsat America, Inc.

Executed on March 9, 1994

CERTIFICATE OF SERVICE

I, Marc S. Martin, do hereby certify that a true and correct copy of the foregoing Comments was hand-delivered on this 5th day of May 1995 to the following persons:

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